

REMARKS

Claims 1, 2, 4-6, 8 and 9 are allowed. Claims 3, 7 and 10-24 are rejected. Claims 7, 10, 12, 15-22 and 24 have been amended. Claim 11 has been cancelled. New claims 27-30 have been added. Reconsideration and allowance of all pending claims is requested.

Allowable Subject Matter

Applicant acknowledges the allowance of claims 1, 2, 4-6, 8 and 9.

Claim Rejections – 35 U.S.C. § 112

Claims 10-23 are rejected under 35 U.S.C. § 112, first paragraph, as being a “single means claims.”

The Examiner based the rejection on a requirement in MPEP 2164.08(a); however, as was discussed during an October 18, 2005 phone call this requirement only applies to claims written under 35 U.S.C. § 112, sixth paragraph. See *In re Hyatt*, 218 USPQ 195, 197 (Fed. Cir. 1983). Claims 10-23 are not “means plus function” claims; therefore applicant traverses the rejection to claims 10-23.

In the interest of furthering prosecution claims 10 and 16 have been amended in accordance with the Examiner’s recommendations during the October 18, 2005 phone call. Support for the amendments may be found in the present specification on figure 9 and on page 9.

Claims 16-24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 16-24 have been amended.

Claim Rejections – 35 U.S.C. § 101

Claim 7 is rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 7 has been amended according to the Examiner’s suggestion during an October 19, 2005 phone meeting.

Claim 3 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 10 of copending Application No. 10/094,043.

A terminal disclaimer accompanies this response.

Claim Rejections – 35 U.S.C. § 103

Claims 10 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki of record (6,256,343).

Claim 10 has been amended to include subject matter of claim 11 that has previously been indicated as being allowable. Thus, claim 10 should be allowed. Claim 15 is dependant.

Claims 12-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki as applied to claims 10 and 15 in the above paragraph, and further in view of Suzuki et al. of record (6,205,178).

Claims 12-14 should be allowed for at least the same reason as claim 10.

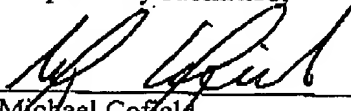
New claims

New claims 25-30 have been added.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of all pending claims as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,



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